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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,266	08/27/2003	David Ross	740618-57	5231
22204	7590	06/16/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128				DESIR, JEAN WICEL
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/648,266	ROSS ET AL.
	Examiner Jean W. Désir	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 January 2004, Pre-Amendment.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/27/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Trytko (5,231,499).

#### **Claim 1:**

Trytko discloses:

A video production switcher (see Figs. 1, 2, 3) comprising:

“a main circuit board” which is inherent to Trytko’s disclosure

“at least one multi-level effects generator having at least two keyers and a video signal mixer”, see Fig. 1 items KEYER MEANS, 600, 700, also Figs. 2, 3;

“at least two digital video processor units (Fig. 1 items 600, 700) integrally connected with said main circuit board and electrically connected to said at least two keyers (Fig. 1 items KEYER MEANS), respectively, wherein each of said digital video processor units is operable to generate at least two-dimensional video effect (col. 4 lines 16-50, col. 7 lines 27-42)”.

**Claim 5** is also rejected for the same reasons as claim 1, because Trytko also discloses: “a switcher control panel (item 20 of Fig. 1), the switcher control panel

allowing a video signal (item 30 of Fig. 1) from which a desired key (item 40 of Fig. 1) will be generated to be first routed through a respective of the digital video processor unit (items 600, 700 of Fig. 1)".

Claims 7, 8 are disclosed, see Fig. 6.

Claim 9 is disclosed, see Fig. 6, col. 6 lines 35-60.

Claims 10, 11 are disclosed, see Fig. 1 items KEYER MEANS, 600, 700, also Figs. 2, 3.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trytko (5,231,499).

Claim 3: "wherein the video signal mixer is capable of being cascaded" is not explicitly disclosed by Trytko. However, Trytko discusses the cascaded approach of two or more mix/effect units (see col. 2 lines 14-16 for instance); thus, an artisan would be motivated to use this alternative approach to arrive at the claimed invention in order to achieve special video effects. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 4 is rejected for the same reasons as claim 3.

Claim 6 is obvious to an artisan, because compression of video signal is a very well known procedure in the art that would provide, *inter alia*, storage space minimization; Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Trytko (5,231,499) and Barnett et al (5,408,272).

Claim 2 is not explicitly disclosed by Trytko; however, Trytko discusses alternative cascaded approach of two or more mix/effect units as pointed out above in the rejection of claim 3, and Barnett shows cascaded approach where selected portion of a layered image would be allowed to be routed to external digital video effects unit (see Barnett at Fig. 1); thus, in view of the teaching of Trytko and Barnett an artisan would be motivated to use the alternative cascaded approach to arrive at the claimed invention, because this approach would allow selected portion of a layered image to be routed to external digital video effects unit for combining or editing and thus providing special video effects. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

### ***Response to Arguments***

6. Applicant's arguments have been considered but are moot in view of reinterpretation of the reference necessitated by the amendment.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**JWD**  
**Jun. 7, 06**



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER